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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

---X

IRA KLEINMAN, AS THE PERSONAL

REPRESENTATIVE OF THE ESTATE OF

DAVID KLEINMAN, AND W&K INFO DEFENSE

RESEARCH, LLC,

                Plaintiffs,

       -against-   Index No.:

                            9:18-CV-80176

CRAIG WRIGHT,

                Defendant.

---X

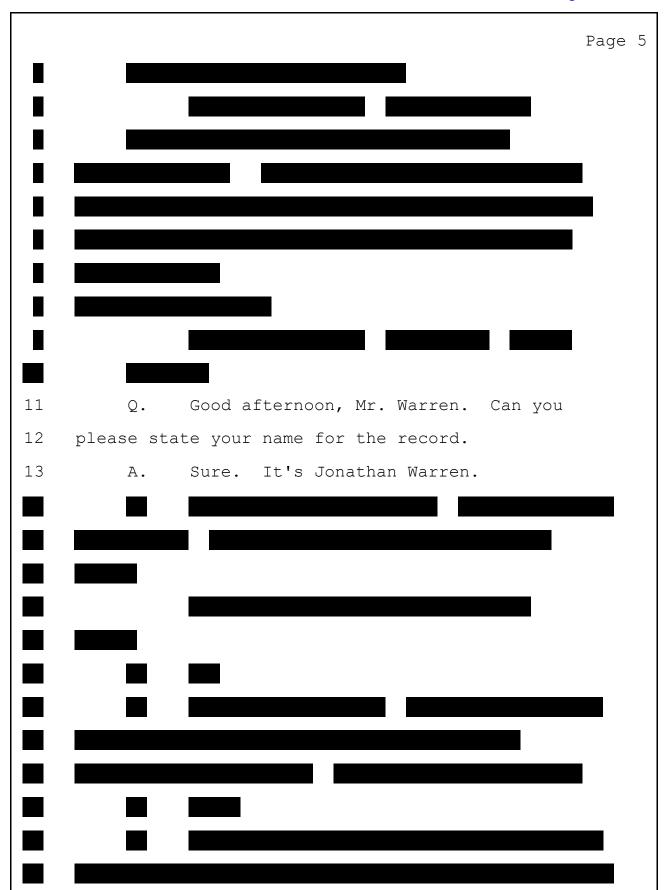   55 Hudson Yards

                        New York, New York

                        July 24, 2019

                        1:00 P.M.

    EXAMINATION BEFORE TRIAL of JONATHAN WARREN, a

Non-Party Witness herein, taken by the attorney for

the respective parties, pursuant to Notice, held at

the above-stated time and place, before Melissa

Leonetti, RPR, a Notary Public of the State of New

York.

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11   Q.   Good afternoon, Mr. Warren. Can you

12   please state your name for the record.

13   A.   Sure. It's Jonathan Warren.

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2   Q.   Mr. Warren, how old are you?

3   A.   34.

4   Q.   Where do you live?

5   A.   I live in Brooklyn in Bed-Stuy.

6   Q.   In we could, I would like to go through

7 your education after high school, so if you could

8 start with whatever the first -- if you had any

9 additional schooling after high school.

10   A.   I went to the University of Cincinnati

11 and studied computer science, and I graduated in

12 2012.

13   Q.   You got a bachelor's in computer science?

14   A.   Yes.

18   Q.   Where do you currently work?

19   A.   I work at a company called HighSide

20 Incorporated, which was a company that I started

21 with two other individuals, and I work from home.

22   Q.   Okay. Have you worked there since 2012?

23   A.   No. I've worked at HighSide for three

24 years. Before that, I worked at a different Bitcoin

25 company called Coin Apex. Before that I worked at

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 1    Bitinstant, which was another Bitcoin company.
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15         Q.    Do you know what Bitmessage is?

16         A.    Yes.

17         Q.    How do you know what Bitmessage is?

18         A.    I created it.

19         Q.    What is Bitmessage?

20         A.    Bitmessage is a fully decentralized,

21    trustless peer-to peer messaging system which allows

22    people to exchange simple messages like short text

23    messages in a way that doesn't involve a server or

24    third parties.
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█   █   █████████████████████

6   Q.   When did you first start working on

7 Bitmessage?

8   A.   2012.

9   Q.   Do you recall when in 2012?

10   A.   Probably in the summer. Early summer, I

11 think.

12   Q.   Okay. What was the first thing you did

13 when you began working with Bitmessage?

14   A.   Planning out how the protocol could work,

15 just thinking and sketching on paper how I thought

16 clients could communicate.

17   It borrows a lot of technology from

18 Bitcoin, specifically how transactions are relayed

19 through the network, and I believe I just started

20 planning out what -- or how the protocol would

21 work, how clients would communicate with one

22 another.

23   Q.   Did you eventually start writing code?

24   A.   Almost immediately.

25   Q.   In the early summer of 2012 is when you

1   started?

2   A.   Yes.

3   Q.   Did anyone assist you or help you in the

4   early summer of 2012 developing or coding

5   Bitmessage?

6   A.   No.

7   Q.   You were working on your own?

8   A.   Yes.

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18   Q.   Mr. Warren, I'm going to hand you what I

19   would like to mark as Plaintiff's 2.

20   (Whereupon, a Bitmessage document was

21   marked as Plaintiff's Exhibit 2 for

22   identification, as of this date.)

23   Q.   Do you recognize this document?

24   A.   Yes.

25   Q.   What is it?

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1   A.   This is a white paper that I wrote in

2   2012, right, as I released Bitmessage. The purpose

3   of this was to explain how the system works to other

4   people, especially technical people who could

5   understand the intricacies of these sorts of

6   protocols.

7   Q.   Did anyone help you write it?

8   A.   No.

9   Q.   Did anyone edit it for you?

10   A.   No.

11   Q.   When did you first start writing it?

12   A.   I don't remember.

13   Q.   Was it after you finished coding

14   Bitmessage?

15   A.   Yes. The coding was almost completely

16   done when I was working on this.

17   Q.   Did there come a time when you shared

18   this white paper with anyone?

19   A.   No.

20   Q.   Did there come a time when it was

21   published to the public?

22   A.   It was only published to the public when

23   I posted it about -- when I posted it in a forum

24   called the Bitcoin Talk forum which is utilized by a

25   lot of Bitcoin users.

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 1        Q.    Do you know when it was that you posted
 2   it to the Bitcoin Talk forum?
 3        A.    I believe it was right around this date,
 4   November 27th.  I don't remember exactly.
 5        Q.    That's the date that's reflected on the
 6   document?
 7        A.    Yes.
 8        Q.    I know you said it was published after
 9   you said you finished the coding.  Was it published
10   before or after the software was released to the
11   public?
12        A.    It was -- well, I put the code on GitHub,
13   and the code was technically available before I
14   released this to the public, but it -- I have no
15   reason to believe that anyone accessed the code
16   before I publicized it.  So from my perspective,
17   from a practical point of view, the code and the
18   paper were published at the same time.
19        Q.    You mentioned GitHub.  What is GitHub?
20        A.    GitHub is a source code control service
21   on the Internet that developers can use to
22   collaborate.
23        Q.    Is it a website that can be accessed by
24   URL?
25        A.    Yes.
```

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3   Q.   Did there come a time -- you mentioned

4   you released the Bitmessage software or GitHub.com?

5   A.   Yes.

6   Q.   When was that date?

7   A.   November 19, 2012.

8   Q.   Prior to November 19, 2012, did you ever

9   share the Bitmessage software or source code with

10   anyone?

11   A.   No.

12   Q.   Were there ever any beta testers of the

13   Bitmessage software prior to its release on November

14   19, 2012?

15   A.   No.

16   Q.   Prior to November 19, 2012, where was the

17   Bitmessage source code software located?

18   A.   It was located on my personal computer at

19   home and also my work computer.

20   Q.   Would it have been possible for anyone

21   besides you to run Bitmessage prior to November 19,

22   2012?

23   A.   No.

24   Q.   Would it have been possible for anyone

25   besides you to have sent a Bitmessage prior to

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 1   November 19, 2012?

 2   A.   No.

 3   Q.   Would it have been possible for anyone

 4   other than you to have received a Bitmessage prior

 5   to November 19, 2012?

 6   A.   No.

 7   Q.   If I were to show you a printout of a

 8   Bitmessage that wasn't sent by you but was

 9   purportedly sent prior to November 19, 2012, would

10   that message then necessarily been forged?

11   MR. KASS: Objection to the form.

12   A.   Yes.

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████   ██████████████

15   Q.   Mr. Warren, if I showed you a document, a

16   printout of a Bitmessage that wasn't sent by you but

17   was dated, either sent or received, prior to

18   November 19, 2012, what would you conclude about

19   that document or about that Bitmessage?

20   MR. KASS: Same objection.

21   Q.   You can answer.

22   A.   That it isn't a real Bitmessage.

23   Q.   Are you aware that you're being deposed

24   in a lawsuit going on between the Estate of Dave

25   Kleinman and Dr. Wright?

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 1      A.    Yes.

 2      Q.    In this lawsuit, there was a hearing on

 3  June 20, 2019, and at that hearing Dr. Wright

 4  testified that, quote, if you look at the GitHub,

 5  you'll find that Bitmessage actually came out

 6  originally in July, end quote, of 2012.

 7            Is that a true statement?

 8            MR. KASS:  Objection to the form.

 9      A.    No.

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11            Mr. Warren, I'm handing you what I'm

12  going to mark as plaintiff's composite number 3.

13  It goes to the reporter first.

14            (Whereupon, a Bitmessage was marked as

15       Plaintiff's Exhibit 3 for identification, as

16       of this date.)

17      Q.    Do you recognize these four pages?

18      A.    Yes.

19      Q.    What are they?

20      A.    This is the commit history on GitHub,

21  which means that these are -- this is a list of

22  changes that I made to the Bitmessage software when

23  I -- around the time that I first released it.

24      Q.    What are commits?

25      A.    Commits are a collection of code changes
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1   that you decide to commit all at the same time. So

2   for example, if I decide to change the spelling of

3   my name throughout all of the different occurrences

4   that it might occur in a -- in a code base, I might

5   change them all and have that be one commit. So

6   usually a commit represents one change to a code

7   base.

11   Q.   Okay. Looking at the first page of this

12   document at the bottom of the screenshot, it says

13   Jonathan Warren committed on November 11, 2012.

14   A.   Uh-huh.

15   Q.   Is that you?

16   A.   Yes.

17   Q.   And then looking at the next pages, the

18   commits appear to have been submitted by Atheros1?

19   A.   Yes.

20   Q.   Is that also you?

21   A.   Yes.

22   Q.   Why did you have two accounts?

23   A.   It's likely that on my work computer I

24   was logged in one way and on my home computer I was

25   logged in another way. That's likely the

Page 18

1   difference.

2   Q.   The document also shows that the initial

3   commit was on November 11, 2012?

4   A.   Yes.

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12   Q.   Do you recognize this document as the

13   details of the initial commit?

14   A.   Yes.

15   Q.   And it shows that the only thing you did

16   on November 11, 2012, was upload a text file that

17   says PyBitmessage?

18   A.   Correct.

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24   Q.   I'm going to hand you back what was

25   marked as Plaintiff's Exhibit 3 for use of

 1   comparison. If you go back to Plaintiff's Exhibit

 2   3, you'll see the next commit was done on November

 3   19, 2012.

 4   A.   Yes.

 5   Q.   What's been marked as Plaintiff's Exhibit

 6   5, once you review it, do you recognize this

 7   document as the details of the commit that occurred

 8   on November 19, 2012?

 9   A.   Yes.

10   Q.   And this shows that the first time you

11   uploaded the source code in rentable software on

12   GitHub was on November 19, 2012?

13   A.   Yes.

14   Q.   That commit was on November 19, 2012?

15   A.   Yes.

16   Q.   That's when you upload the software and

17   source code of Bitmessage to GitHub?

18   MR. KASS: Objection to the form.

19   A.   Yes.

20   Q.   Was there any way anyone other than you

21   could have sent or received a Bitmessage prior to

22   when you uploaded the source code and software to

23   GitHub?

24   MR. KASS: Objection?

25   A.   Not to my knowledge.

10   Do you remember when version 4

11   Bitmessage addresses came to be used?

12   A.   I didn't remember exactly. I believe it

13   was at least six months to a year after the software

14   was initially released. However, the document you

15   just showed me has a date on it that I just read

16   that says August 2013, which that document very

17   clearly indicates that that is when version 4

18   addresses were made available to the public.

19   Q.   I will hand you back what was marked as

20   Plaintiff's Exhibit 6.

21   Do you recognize this document?

22   A.   Yes.

23   Q.   What is it?

24   A.   This is a diff, which is the technical

25   term for a code change that represents the

Page 22

1   difference between how code was versus how code is

2   as a result of the diff, and this diff shows when I

3   added version 4 addresses.

4   Q.   Can you say -- after reviewing this

5   document, can you say with confidence that version 4

6   addresses were not available before August 12, 2013?

7   A.   Yes.

15   Q.   I'm going to hand you a document that I

16   will have marked as Plaintiff's Exhibit 7.

17   (Whereupon, an email was marked as

18   Plaintiff's Exhibit 7 for identification, as

19   of this date.)

20   Q.   If you could turn to a page on the bottom

21   that bears the Bates label ending with 56406. I

22   know it's hard to read, so I will represent to you

23   that on the page towards the back that at the top

24   says page 9 of 10 is a more legible version that

25   does not bear the Bates stamp. So you can use this

Page 23

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 1    one that has a more legible version.

 2         A.    Okay.

 3         Q.    Do you see the bottom message in this --

 4    in box -- in the "from" field?

 5         A.    Yes.

 6         Q.    It shows an address beginning with BM-2C?

 7         A.    Yes.

 8         Q.    And it also shows a received date of

 9    October 22, 2012?

10         A.    Yes.

11         Q.    What does that date tell you about the

12    message?

13         A.    It tells me that something has been

14    faked.  Either the date has been faked or the

15    screenshot has been faked.

16         Q.    Why do you say that?

17         A.    Because Bitmessage wasn't released at

18    that time back in October of 2012.
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24         Q.    Do you have any doubt that the date

25    reflected here, October 22, 2012, was forged?
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1   MR. KASS: Objection to the form.

2   A.   No.

3   MR. KASS: Lack of predicate.

14   I'm now going to hand you what I'll

15 have marked as Plaintiff's 8.

16   (Whereupon, a Bitmessage was marked as

17   Plaintiff's Exhibit 8 for identification, as

18   of this date.)

19   Q.   Again, I will represent to you that

20 because the first page that bears the Bates number

21 13147 may be hard to read that the second page is

22 just a more legible version of the same document.

23   When someone creates a Bitmessage

24 account, can they -- they can create their own

25 account name?

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 1              MR. KASS:  Objection to the form.

 2       A.     They -- no.  The protocol doesn't include

 3  names at all.  If you add an entry to an address

 4  book as is shown on this piece of paper, that is

 5  entered by the person controlling your own client.

 6       Q.     Okay.  So if someone creates a Bitmessage

 7  -- someone has a Bitmessage address and they would

 8  like to assign a name to it, they can enter whatever

 9  name they would like?

10              MR. KASS:  Objection to the form.

11       A.     Correct.
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23       Q.     Is it possible to assign a name to a

24  public address that you do not own?

25              MR. KASS:  Objection to the form.
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 1        A.    Yes.

 2        Q.    I will take back that document.  When you

 3   assign a name to a public address, would your client

 4   show that name regardless of who the address

 5   actually belongs to?

 6        A.    Yes.

 7        Q.    I'm going to hand you what will be marked

 8   as Plaintiff's 9.

 9              (Whereupon, a Document was marked as

10        Plaintiff's Exhibit 9 for identification, as

11        of this date.)

12        Q.    First I would like to direct your

13   attention to the message that's displayed on the

14   page bearing Bates number 0204.

15              What is the subject of the message

16   that's displayed here?

17        A.    Do you mean the one that's selected?

18        Q.    Correct.

19        A.    The trust process.

20              MR. KASS:  I object to the use of this

21        document.  Mr. Warren's not on it, and I

22        don't see how he has a basis to provide any

23        testimony on it.

24              MR. FREEDMAN:  It's our position that

25        he created the software that this message is
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1   being displayed at, so he has the ability to

2   opine the authenticity of the message that

3   predates the program's actual creation, but

4   your objection is preserved.

5   MR. KASS: Mr. Warren is not an expert

6   witness. He's a fact witness. And that

7   objection goes for all these other

8   Bitmessages that have been presented and that

9   will be presented during this deposition.

10   MS. McGOVERN: Do you intend to have

11   this witness opine as to the state of mind of

12   messages between two individuals on a

13   document that he is not on and he's not a

14   recipient of and he's not the subject of? Is

15   that the intention?

16   MR. FREEDMAN: Our intention is to get

17   his testimony, his honest testimony.

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22   Q.   Who does this document indicate the

23   message was sent by?

24   MR. KASS: Objection.

25   A.   The document indicates Dave Kleinman.

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 1        Q.    And who does the document indicate the
 2   message was sent to?
 3              MR. KASS:  Objection to the form.
 4        A.    The message indicates Craig S. Wright.
 5        Q.    And when does the document indicate the
 6   Bitmessage was received?
 7              MR. KASS:  Objection to the form.
 8        A.    It indicates Tuesday, November 6, 2012.
 9        Q.    Would it have been possible for Craig
10   Wright to receive a Bitmessage from Dave Kleinman on
11   November 6, 2012?
12              MR. KASS:  Lack of predicate.
13        Objection.
14        A.    I don't see how it could be.
15        Q.    Why is that?
16        A.    Because the software was not publicly
17   released at that time.
18        Q.    When was the software publicly released?
19        A.    November 19, 2012.
20        Q.    Do you have any doubt that the date this
21   document shows as the message being received is
22   forged?
23              MR. KASS:  Objection to the form.  Lack
24        of predicate.
25        A.    No.
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2   I'm going to hand you what I'll have

3   marked as Plaintiff's 10.

4   (Whereupon, a deed was marked as

5   Plaintiff's Exhibit 10 for identification, as

6   of this date.)

7   Q.   And I will also represent, as with some

8   of the other documents I've shown you, that because

9   some of the documents that bear Bates labels are

10   hard to read that the second set here is a more

11   legible printout of the documents that do not bear

12   the Bates labels.

13   I would first like to draw your

14   attention to the page bearing Bates number 23255.

15   I believe in the legible version, that's the

16   fourth page.

17   In the message that's selected has a

18   arrow drawn next to it on this page. Who does

19   this message -- who does the document show that

20   this message was sent from?

21   MR. KASS: I raise all the same

22   objections I raised before with that

23   Bitmessage.

24   A.   Craig S. Wright.

25   Q.   And who does the document show the

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 1   Bitmessage was sent to?

 2             MR. KASS:  Objection to the form.

 3       A.    Dave Kleinman.

 4       Q.    And on what date does the document show

 5   that this Bitmessage was sent?

 6             MR. KASS:  Objection to the form.

 7       A.    Wednesday, November 7, 2012.

 8       Q.    Would it have been possible for Craig

 9   Wright to send Dave Kleinman a Bitmessage on

10   November 7, 2012?

11             MR. KASS:  Objection.  Lack of

12        predicate.

13       A.    I don't see how he could have.

14       Q.    Would it have been possible for anyone

15   other than you to send a Bitmessage on November 7,

16   2012?

17             MR. KASS:  Objection.

18       A.    No.

19       Q.    Do you have any doubt that the date field

20   on this document for this message is forged?

21             MR. KASS:  Objection.  Lack of

22        predicate.

23       A.    No.

24       Q.    In this same document -- actually, the

25   next page which bears --
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 1            MR. KASS:  Leading.
 2      A.      -- Bates number 23256 -- in the legible
 3  document, it's also the next page, page 5 -- the
 4  document that's shown as selected here, can you tell
 5  me what the subject is.
 6            MR. KASS:  Same objections as the prior
 7      document.
 8      A.    Regarding the trust process.
 9      Q.    Who does this -- who does the document
10  show this Bitmessage was sent by?
11            MR. KASS:  Objection to the form.
12      A.    Dave Kleinman.
13      Q.    And who does the document show that the
14  Bitmessage was sent to?
15      A.    Craig S. Wright.
16            MR. KASS:  Objection to the form.
17      Q.    On what date does the document show that
18  this Bitmessage was received?
19            MR. KASS:  Objection to the form.
20      A.    Thursday, November 8, 2012.
21      Q.    Would it have been possible for Craig
22  Wright -- sorry -- for Dave Kleinman to send to
23  Craig Wright a Bitmessage on November 8, 2012?
24            MR. KASS:  Objection to the form and
25      lack of predicate.
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 1        A.    No.
 2        Q.    Would it have been possible for anyone to
 3   send a Bitmessage on November 8, 2012?
 4              MR. KASS:  Objection to the form.  Lack
 5        of predicate.
 6        Q.    Other than yourself?
 7              MR. KASS:  Same objection.
 8        A.    No.
 9        Q.    Do you have any doubt that the date shown
10   on this document for this Bitmessage was forged?
11              MR. KASS:  Objection to the form.  Lack
12        of predicate.
13        A.    No.
14   ████  ████   █████████████████████████████
15              I'm now going to hand you what I'll
16   have marked as Plaintiff's 11.
17              (Whereupon, Bitmessages were marked as
18        Plaintiff's Exhibit 11 for identification, as
19        of this date.)
20        Q.    Again, as with the other documents,
21   there's two printouts here, one bearing Bates
22   numbers and the other that's just a more legible
23   version of the same documents.
24              On the first page, which bears Bates
25   number 13376, I would like to draw your attention
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 1   to the message that's being shown as selected.

 2   Can you tell me the subject of this message.

 3              MR. KASS:  Same objections as all the

 4        prior Bitmessages that you have been shown.

 5        A.    1933.

 6        Q.    Who does the document show that the

 7   message was sent by?

 8              MR. KASS:  Objection to the form.

 9        A.    Dave Kleinman.

10        Q.    Who does the document show that the

11   message was sent to?

12              MR. KASS:  Objection to the form.

13        A.    Craig S. Wright.

14        Q.    On what date does the document show the

15   Bitmessage was received?

16              MR. KASS:  Objection to the form.

17        A.    Sunday, November 11, 2012.

18        Q.    Is it possible that Dave Kleinman sent

19   Craig Wright a Bitmessage on November 11, 2012?

20              MR. KASS:  Objection to the form.  Lack

21        of predicate.

22        A.    No.

23        Q.    Could anyone have sent a Bitmessage other

24   than yourself on November 11, 2012?

25              MR. KASS:  Objection to the form.  Lack
```

1   of predicate.

2   A.   No.

3   Q.   Do you have any doubt that the date shown

4   in the "received" field for this message is forged?

5   MR. KASS: Objection to the form. Lack

6   of predicate.

7   A.   No.

8   Q.   If you could turn to the next page, which

9   bears Bates number 13377.

10   A.   (Witness complies.)

11   MR. KASS: I'm going to raise my same

12   objections for all these Bitmessages.

13   Q.   On the document -- on the message that

14 this document shows as being selected, can you tell

15 me the subject.

16   MR. KASS: Objection to the form.

17   A.   Regarding 1933.

18   Q.   Who does the document show this

19 Bitmessage was sent by?

20   MR. KASS: Objection to the form.

21   A.   Craig S. Wright.

22   Q.   Who does the document show the Bitmessage

23 was sent to?

24   MR. KASS: Objection to the form.

25   A.   Dave Kleinman.

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 1   Q.   On what date does the document show the

 2   Bitmessage was sent?

 3   MR. KASS: Objection to the form.

 4   A.   Tuesday, November 13, 2012.

 5   Q.   Would it have been possible for Craig

 6   Wright to send to Dave Kleinman a Bitmessage on

 7   November 13, 2012?

 8   MR. KASS: Objection to the form. Lack

 9   of predicate.

10   A.   No.

11   Q.   Could anyone other than yourself have

12   sent or received a Bitmessage on November 13, 2012?

13   MR. KASS: Objection to the form. Lack

14   of predicate.

15   A.   No.

16   Q.   Is there any doubt in your mind that the

17   date reflected in the status field for this message

18   is forged?

19   MR. KASS: Objection to the form. Lack

20   of predicate.

21   A.   No.

23   Mr. Warren, is it possible that Craig

24   S. Wright sent or received a Bitmessage on October

25   22, 2012?

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```
 1              MR. KASS:  Objection to the form.  Lack
 2        of predicate.
 3        A.    No.
 4        Q.    Is it possible that Dr. Wright sent or
 5   received a Bitmessage on November 6, 2012?
 6              MR. KASS:  Objection to the form.  Lack
 7        of predicate.
 8        A.    No.
 9        Q.    Is it possible that Dr. Wright sent or
10   received a Bitmessage on November 7, 2012?
11              MR. KASS:  Objection to the form.  Lack
12        of predicate.
13        A.    No.
14        Q.    Is it possible that Dr. Wright sent or
15   received a Bitmessage on November 8, 2012?
16              MR. KASS:  Objection to the form.  Lack
17        of predicate.
18        A.    No.
19        Q.    Is it possible that Dr. Wright sent or
20   received a Bitmessage on November 11, 2012?
21              MR. KASS:  Objection to the form.  Lack
22        of predicate.
23        A.    No.
24        Q.    Is it possible that Dr. Wright sent or
25   received a Bitmessage on November 13, 2012?
```

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1   MR. KASS: Objection to the form. Lack

2   of predicate.

3   A.   No.

4   Q.   Is it possible to alter the date and time

5 a Bitmessage displays as received?

6   MR. KASS: Objection to the form.

7   A.   Yes.

8   Q.   Is it possible to alter the date and time

9 a Bitmessage displays as sent?

10   MR. KASS: Objection to the form.

11   A.   Yes.

██   ██   ████████████████████████████████

██   ████████████████████████

██   ████████   ████████████████████

██   ██   ████████████████████████████████

██   ████████   ████████████████████████

██   ████████████████

18   Q.   And a basic understanding -- would this

19 be a relatively simple task with the sqlite3 command

20 line tool and a basic understanding of SQL?

21   MR. KASS: Objection to the form.

22   Q.   It's SQL.

23   A.   Yes.

24   Q.   Could you also trick the software into

25 displaying the wrong received date and time if you

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 1   backdated your computers' local time before you sent

 2   the message?

 3   MR. KASS: Objection to the form.

 4   A.   Yes.

 5   Q.   Could you also trick the software into

 6   displaying the wrong sent date and time if you

 7   backdated your computer's local time before you sent

 8   a message?

 9   MR. KASS: Objection to the form.

10   A.   Yes.

11   Q.   Based on the documents you've reviewed

12   today, is it possible to verify that the sender

13   reflected in the "sender" field was really Dave

14   Kleinman?

15   MR. KASS: Objection to the form.

16   A.   No.

17   Q.   If you had the actual address it was sent

18   from, could you verify with certainty that the

19   sender was Dave Kleinman?

20   MR. KASS: Objection to the form.

21   A.   No.

22   Q.   How does the Bitmessage software assign

23   the name Dave Kleinman to the address or to a

24   Bitmessage?

25   A.   The user of the software has to enter the

1   name in their address book.

2   Q.   Have you ever communicated with Craig

3   Wright?

4   A.   No.

5   Q.   Have you ever communicated with Dave

6   Kleinman?

7   A.   No.

8   Q.   Have you ever communicated with Satoshi

9   Nakamoto?

10   A.   Not to my knowledge.

22   Q.   Mr. Warren, did you create the Bitmessage

23   software?

24   A.   Yes.

25   Q.   Is it your invention?

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1   MR. KASS: Objection to the form.

2   A.   Yes.

3   Q.   Did anyone else help you in creating the

4 Bitmessage software?

5   A.   No.

6   Q.   Did you write the Bitmessage code?

7   A.   Yes.

8   Q.   Did anyone help you in writing the

9 Bitmessage code?

10   A.   When it was originally released, no.

11   Q.   Did there come a time after you released

12 the Bitmessage code that someone helped you?

13   A.   Yes.

14   Q.   To your knowledge, does anyone understand

15 Bitmessage better than you?

16   MR. KASS: Objection to the form.

17   A.   No.

18   Q.   Do you consider yourself an expert on

19 Bitmessage?

20   MR. KASS: Objection to the form.

21   A.   Yes.

22   Q.   When was the first time Bitmessage was

23 available to anyone other than you?

24   A.   November 19, 2012.

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14   Q.   Have you ever posted things online for

15   people to play around with before the official

16   release?

17   A.   I don't think so. Bitmessage is the only

18   project that I've created that -- by myself for

19   people to use and play with.

20   Q.   Now, I want to clarify what "I don't

21   think so" means. Is that a yes or a no?

22   A.   It's a no.

23   Q.   It's your position that you never posted

24   anything online for people to test out prior to the

25   official public release?

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```
1       A.    Correct.

█    █        █              █████████████████

█    ██████████

█        █        █

5       Q.    It's your testimony that -- is it correct

6   that it's your testimony that you started coding the

7   Bitmessage program in the summer of 2012?

8       A.    Yes.

9       Q.    Do you remember the exact date?

10      A.    No.

11      Q.    Are you familiar with a build date?

12      A.    A build date?

13      Q.    Yes.

14      A.    Yes.

15      Q.    What's a build date?

16      A.    A build date is the date that computer

17  software in code form is compiled into a form that

18  can be easily used by the public and installed on

19  their computers.
```

1   Is it accurate to say that the first

2   step in coding is you start drafting the source

3   code?

4   A.   That is an -- that is an early step, yes.

5   Q.   After that stage, we go to the compiling

6   stage?

7   A.   Yes.

8   Q.   At what point in that do you get a build

9   date?

10   A.   When the compiler finishes, that's what I

11   would call a build date.

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███

██   ███████

█████

4   Q.   Do you know how long you took to draft

5 this source code in the Bitmessage program?

6   A.   Something like five or six months.

7   Q.   I want to understand. You spent five or

8 six months drafting the source code, then you

9 compiled it, then you continued doing whatever you

10 did after that?

11   A.   Yes.

12   MR. KASS: I'm going to introduce as

13   Exhibit 1, Defendant's Exhibit 1, to be

14   clear.

███   ███████

███   █████████

███   ██████

18   Q.   Mr. Warren, do you recognize this

19 document?

20   A.   No, but I recognize some of the text on

21 the document.

22   Q.   What portions of the text do you

23 recognize?

24   A.   This is describing -- I recognize the

25 file name for the initial Bitmessage release. I see

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 1   some times and dates. I see some other texts, which

 2   leads me to believe this is a scan of the initial

 3   build of Bitmessage.

 4   Q.   How would someone obtain a scan of the

 5   initial build of Bitmessage?

 6   MR. FREEDMAN: We're going to object to

 7   the document. The witness said he doesn't

 8   recognize it.

 9   But go ahead.

10   Q.   Continue.

11   A.   What was the question?

12   Q.   My question was: How would someone go

13   about creating this through that scan of the

14   original -- you can answer that. How would someone

15   go about doing the scan of the original source code

16   to obtain this?

17   A.   This doesn't rook like the scan of source

18   code. It looks like a scan of the compiled

19   executable file, the one that has been built.

20   Q.   Thank you.

21   A.   And the easiest way to obtain this would

22   probably be to use some sort of online website.

23   Q.   Thank you.

24   If you look under history, do you see

25   where it says creation time?

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1   A.   Yes.

2   Q.   Do you know what that refers to?

3   A.   No.

4   Q.   Do you see the date over there?

5   A.   Yes.

6   Q.   What date does it say?

7   A.   It says May 25, 2012.

8   Q.   Could that be the build date of the

9   Bitmessage software?

10   A.   It could be.

11   Q.   Do you have any reason to suspect that

12   it's not?

13   A.   Yes.

14   Q.   What reason do you suspect?

15   A.   I hadn't finished the software at this

16   time.

17   Q.   Okay. So other than this -- do you have

18   any explanation for why this date says 2012 when

19   you're testifying that you hadn't finished the

20   software by then? And by 5/25/12, to be clear.

21   A.   No.

22   Q.   Do you think this document's forged?

23   A.   I think something is forged.

24   MR. FREEDMAN: Objection to the form.

25   A.   I don't know if it's the document. It

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1   could be the file that's scanned.

2   Q.   Your only explanation is somebody forged

3   something to make that date?

4   A.   Yes.

19   Q.   Have you ever used a program to track

20   software when you were writing alone by yourself?

21   A.   Usually I don't.

22   Q.   Okay. Is it common -- to the extent you

23   know, is it common practice not to use tracking

24   software when someone's coding?

25   A.   I don't know what's common with other

```
 1   people.
 2        Q.    I'm asking you do you know what your
 3   friends do?
 4        A.    I don't know what they do.
 5        Q.    Have you ever had conversations with them
 6   about coding software?
 7        A.    Yes.
 8        Q.    Did this ever come up?
 9        A.    No.
10        Q.    What are the names of your friends that
11   are software coders?
12        A.    Well, I have the people that I work most
13   closely with.  One is named Andy Johnson.
14        Q.    Who else?
15        A.    Various people in the Bitcoin community.
16        Q.    If you would be able to provide me their
17   names.
18        A.    May I ask why?
19        Q.    First of all, you don't really get to ask
20   questions, but I'll answer anyways.  They're
21   potential witnesses, and I would like to follow up
22   with them if necessary.
23        A.    I can get you their names later.
24        Q.    I would like to know do you recall their
25   names right now?
```

1   A.   No.

2   Q.   So do you remember any of the other names

3   of any of your friends that you've collaborated with

4   regarding -- I believe you said Bitcoin --

5   A.   Bitcoin meet-ups.

6   Q.   Do you remember any names of the people

7   that you've met at Bitcoin meet-ups?

8   A.   No. I'm blanking.

9   Q.   Not a one?

10   A.   I'm blanking.

11   Q.   Do you know how many people there are?

12   A.   At a typically meet-up?

13   Q.   Yes.

14   A.   Usually upwards of 60.

15   Q.   How often do you have these meet-ups?

16   A.   I used to go a lot more often. In 2012

17   and 2013, I went to every meeting like every --

18   about every two weeks, I think they were. Lately --

19   I haven't been to one lately. The last one I've

20   before to is probably three months ago.

21   Q.   Is there any reason why you wouldn't want

22   to provide me with their names?

23   A.   No.

24   Q.   It's just you're blanking on all 60

25   names?

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```
 1            MR. FREEDMAN:  Objection to the form.
 2       A.    Yes.
 3       Q.    I want to remind you you're under oath in
 4  this case.  Do you remember that?
 ▮   ▮   ▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬
 6       Q.    You're aware you're testifying about very
 7  important issues?
 8       A.    Yes.
 9            MR. FREEDMAN:  Objection to the form.
10       Q.    Do you know that your testimony is going
11  to be used to declare somebody a fraud?
12       A.    Yes.
13            MR. FREEDMAN:  Objection to the form.
14       Q.    Yet you still state you cannot remember
15  the names of even one of those 60 people?
16            MR. FREEDMAN:  Objection to the form.
17       A.    I'm very bad with names, and that is
18  correct, I don't remember.
19       Q.    How about in your day-to-day work?  You
20  mentioned one person.  I believe Andy Johnson?
21       A.    Correct.
22       Q.    Any other names that you can recall?
23       A.    Yes.  The people that I work with.
24       Q.    What are their names?
25       A.    Brendan Diaz.  Another gentleman named
```

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1   Mariano. We have two people named Luis, L-U-I-S.

2   We called them LC1 and LC2. Another individual

3   named Alex. Another individual named Virginia. And

4   those are the people I work most closely with.

16   Q.   Did you collaborate with anybody in

17   developing the Bitmessage software?

18   A.   No.

19   Q.   Did you speak with anybody about it?

20   A.   Not to my memory. I don't believe I did.

21   Q.   Okay. I just want to make sure -- would

22   it be accurate that say that as you sit here today

23   right now, you're not aware of any instance where

24   you collaborated with anybody?

25   A.   That's correct.

██   ████████████   ███████████████████

2   Q.   I want to make sure we're on the same

3   page as to what I mean by collaborating and what I

4   mean by the software.

5   So even if it wasn't specifically, I

6   have a question about Bitmessage, just in your

7   research, did you speak to anybody?

8   MR. FREEDMAN: Objection to the form.

9   Q.   In the developing of the software, did

10   you speak to anybody?

11   MR. FREEDMAN: Objection to the form?

12   A.   Not that I recall, no.

13   Q.   Did you ask -- by speak, I mean ask

14   questions, emails, text. Anything of that nature.

15   A.   No.

16   Q.   Okay. Now, you state you don't recall,

17   but just based on your knowledge as to how you've

18   worked in the past and how software development is

19   done, would you be surprised that you didn't speak

20   to anybody?

21   MR. FREEDMAN: Objection to the form.

22   A.   No.

23   Q.   Why not?

24   A.   Because this was for me a personal

25   project, and I was curious if I could accomplish it

1   on my own initially.

2   Q.   Were you afraid that you would be

3   embarrassed when you released it and possibly it

4   wouldn't work?

5   A.   Yes.

6   Q.   That didn't matter to you?

7   A.   It did matter, but the only way to gain

8   collaborators is to put your work out there and see

9   what happens.

10   Q.   Well, isn't -- another option is that you

11   do a smaller release? You send it to some of your

12   buddies you have that work in different corporate

13   environments and say, hey, I'm developing software,

14   I want to send you messages, let's see if it works?

15   A.   I didn't have enough peers to that have

16   experience to judge whether it's good software or

17   not. You've brought up network connectivity as a

18   primary concern when really there would be a whole

19   variety of other things I could have been worried

20   about, like whether the encryption is good or bad or

21   a variety of other topics, and I didn't have any

22   peers that I could have asked about those things.

23   Q.   I understand. But as far as actual

24   connectivity to make sure one message goes from one

25   inbox to the other inbox, you didn't want to check

1   that out with any of your friends to make sure that

2   worked?

3   A.   No.

████ █████   ██████████████

████ █████   ████████████████████████████

████ ████████████████████████████

████ █████   ████████████████████████████████

████ ██████████

████ █████   ████████████████████████

████ ██████████████████████████

11   Q.   Were you worried that you would release

12   the software and someone would say your cryptography

13   sucks?

14   A.   A little bit.

15   Q.   Did you do anything to alleviate those

16   concerns?

17   A.   No.

18   Q.   If I were to show you a message where you

19   actually reached out to someone to ask for help,

20   would that document be forged?

21   A.   The document might jog my memory.

22   Q.   Oh.

23   A.   So I can't guarantee it's forged until I

24   have an opportunity to have my memory jogged.

25   Q.   All right. Let's give it a shot.

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1   MR. KASS: I'm going to introduce as

2   Defendant's Exhibit number 2.

3   (Whereupon, a subreddit document was

4   marked as Defendant's Exhibit 2 for

5   identification, as of this date.)

6   Q.   If you could take a moment to look at the

7 document. You can let me know when you're done.

8   A.   Okay.

9   Q.   Now, having reviewed this document, do

10 you recall whether you asked anybody any questions

11 related to Bitmessage?

12   A.   I don't believe I asked anyone any

13 questions related to Bitmessage. I do remember

14 talking to a professor at my college a long time

15 ago, but it wasn't about anything

16 Bitmessage-related.

17   Q.   So what was it connected with?

18   A.   I don't remember.

19   Q.   Well, if we look at this message, right,

20 which portion did you draft?

21   A.   I drafted the title and the body of the

22 message, the body.

23   Q.   Just to clarify, is that the little

24 bubble on the top, the bubble on the top left

25 corner?

1   A.   Yes.

2   Q.   How about the text right above it that

3 begins with RSA? Is that you also?

4   A.   I believe so. I don't remember making

5 this, but --

6   Q.   Do you have any reason to believe this

7 document is forged?

8   A.   No.

9   Q.   Okay. So if this document isn't forged,

10 did you make it, then?

11   A.   It appears so, yes.

12   Q.   Okay. Could you please read the sentence

13 that starts with RSA.

14   A.   Given two different messages and two

15 different public keys, can an attacker determine

16 which key was used on which message.

17   Q.   Do you know what that's referring to?

18   A.   It suggests that I'm asking about

19 anonymity.

20   Q.   Anonymity related to what?

21   A.   Related to messages and public keys.

22   Q.   Do you know of any software that was

23 being developed at that time related to anonymity

24 and keys?

25   A.   I must have been batting around the idea
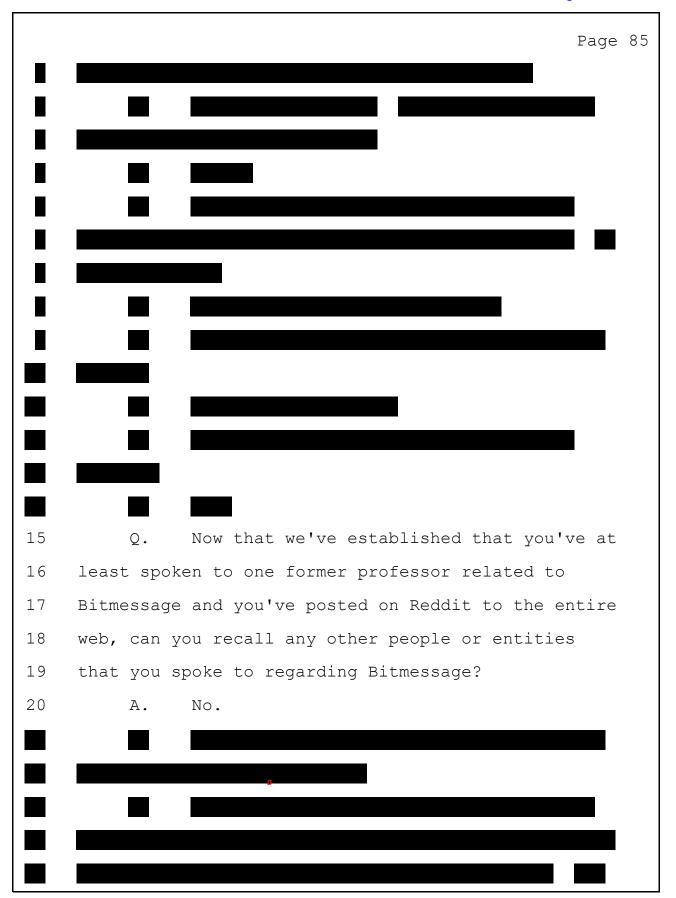
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1   in my head of Bitmessage.

2   Q.   Let's look at the date. What's the date

3   on the top right corner next to where it says two

4   points?

5   A.   October 5, 2012.

6   Q.   At this point in time, were you batting

7   around ideas?

8   A.   Oh, no.

9   Q.   So what were you doing at that point in

10   time?

11   A.   I must have been looking for verification

12   that my idea for -- for Bitmessage anonymity was

13   sound.

14   Q.   So would it be accurate to say that your

15   question related to Bitmessage?

16   A.   Yes.

17   Q.   And you were posting this on the public

18   web asking anybody if they could help you out with

19   regards to that?

20   A.   Yes.

21   Q.   And then under that question that begins

22   with RSA, there's a comment in a little bubble. Is

23   that comment also yours?

24   A.   Yes.

25   Q.   Can you read the text of that comment.

 1   A.   It says: I've emailed a former professor

 2   who wasn't completely sure but helped me formalize

 3   the problem into this title. Is this answer to this

 4   question different for RSA and ECC and other public

 5   key algorithms.

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15   Q.   Now that we've established that you've at

16 least spoken to one former professor related to

17 Bitmessage and you've posted on Reddit to the entire

18 web, can you recall any other people or entities

19 that you spoke to regarding Bitmessage?

20   A.   No.

24   Q.   There could have been a version of

25 Bitmessage that was released on the dark web prior

```
 1   to November 28, 2012?

 2        A.    Yes.

 3        Q.    Okay.

 4              MR. FREEDMAN:  Objection to the form.

 5        Q.    Separately, could a version of the

 6   software .061 or a different version have been

 7   released on the dark web prior to October 2012?

 8        A.    No.

 9        Q.    Why?

10        A.    Because in order to release software onto

11   the dark web, someone would have to have access to

12   the code in order to build it, and I did not, so I

13   don't see any other possibility.

14        Q.    You did not what?

15        A.    I did not build it and release the

16   software onto the dark web at all ever.

17        Q.    But was it built at that point in time in

18   October?

19        A.    There were surely a variety -- was it

20   built in October?  It probably was, yes.  I probably

21   built it many times.

22        Q.    Okay.  So could it have ended up on the

23   dark web?

24        A.    If someone hacked my computer, either my

25   work or home computer, then it could have been
```

1   released early, yes.

2   Q.   Is it possible for someone to have hacked

3   your home or work computer without your knowledge?

4   A.   Yes.

5   Q.   Are you able to state definitively that

6   you were not hacked?

7   A.   No.

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▮   ▮   ▬▬▬▬▬▬▬▬▬▬▬

▮   ▮   ▬▬▬▬▬▬▬▬▬▬▬▬▬

▮   ▬▬▬▬▬

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▮   ▬▬▬▬▬▬▬

▮   ▬▬▬▬▬   ▬▬▬▬▬▬

▮   ▮   ▬▬

8   Q.   Do you recall having testified a little

9   while back that -- or initially having testified

10 that you didn't ask anybody questions about

11 Bitmessage prior to release?

12   A.   Yes.

13   Q.   Okay. But then after having shown you a

14 document, you did recall some communications?

15   A.   Yes.

16   Q.   Do you recall having testified that

17 nobody else helped you test the software prior to

18 release?

19   A.   Yes.

20   Q.   Is that still your answer or do you think

21 possibly somebody did help you?

22   A.   I very much believe that I tested it on

23 my own.

24   Q.   Is it a possibility?

25   A.   Yes.

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1   Q.   Okay. If somebody did help you test it

2 prior to release, do you know who that person would

3 be?

4   A.   No.

5   Q.   Could it be any of those 60 people whose

6 names you don't recall from the Bitmessage meet-ups?

7   A.   Yes.

10   A.   Not that I'm particular attached to.

11   None that are backed up, if that's what you mean.

12   Q.   I want to know do you have any important

13   or sensitive information in your text messages.

14   A.   I probably do.

15   Q.   Okay. How do you generally communicate

16   with people? Written communication. I just want to

17   clarify.

18   A.   It depends on who I'm communicating with.

19   I will use text messages, emails, GitHub comments,

20   Reddit posts, Skype.

21   Q.   How about Bitmessage?

22   A.   I tried using Bitmessage for general

23   communications for a while early on, and I was

24   hoping it would catch on.

25   Q.   What do you mean by that?

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```
 1        A.    I mean that I used it as much as possible
 2   to communicate internally with people that were
 3   interested in using it.  Internally to the project.
 4   Internally to the Bitmessage project.
 5        Q.    How about other people in your life?
 6   Have you used Bitmessage to communicate with them?
 7        A.    I had one friend that I got to use it for
 8   a little while early on, so yes.
 9        Q.    Other than that one friend, have you used
10   Bitmessage to communicate with anybody else?
11        A.    Friends?
12        Q.    Anybody.
13        A.    Anyone, yes.
14        Q.    Who?
15        A.    I've communicated with people related to
16   the Bitmessage project.  People who have asked
17   questions through it, just people who I didn't know
18   ahead of time asking questions.  I think that's
19   mostly it.
20        Q.    Other than people associated with the
21   development of Bitmessage or questions about the
22   development of Bitmessage, have you ever used
23   Bitmessage to communicate with anybody else?
24        A.    No.
25        Q.    That includes friends?  You don't use
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 1    Bitmessage to communicate with friends?

 2         A.    No.
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11        Q.    But do you approve every feature before

12   it goes out?

13        A.    For a while, I was approving all the

14   features as they went out.  Eventually, I gave

15   enough access to another individual so that he could

16   approve those sorts of features also.

17        Q.    How long ago did that happen?

18        A.    Something like four years ago.  Three or

19   four years ago.

20        Q.    What's that person's name?

21        A.    Peter Serta.

22        Q.    Would it be accurate to say there could

23   be certain features or functionalities of Bitmessage

24   that you're not familiar with?

25        A.    Yes.
```

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1   Q.   On the Bitmessage network, what are

2   nodes?

3   A.   Nodes are clients that individuals run

4   that -- that bounce messages between all of the

5   other nodes. All of the nodes collectively form the

6   network and relay messages between each other.

7   Q.   Okay. If one wanted to test if the nodes

8   were functioning, how would one do that?

9   A.   You would connect to several of them and

10 send a message to yourself on another client or

11 friend or something like that and see if the message

12 correctly gets routed through those nodes to the

13 destination.

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16   Q.   So would it be accurate to say your

17 entire testing only involved two IP addresses prior

18 to public release?

19   A.   From what I recall, yes.

20   Q.   Do you have any reason to believe your

21 recollection is incorrect?

22   A.   No. I might have also tested a node at

23 my parents' house.

24   Q.   What did that involve if you had a node

25 at your parents' house?

 1   A.   I would have -- I believe I had a server

 2   at this time running at my parents' house which I

 3   think had the website on it, and I could use a

 4   terminal to view its screen and control its keyboard

 5   so I could make changes to the server when it was

 6   necessary. And using that server as one of the

 7   initial Bitmessage nodes is probably something I

 8   would have done also.

 9   Q.   I want to clarify. You said at this

10   time. What time are you referring to when you were

11   doing this testing on the different nodes?

12   A.   Oh. When I had the software most of the

13   way done and was making sure that all the

14   communication was taking place as I expected it to.

15   Q.   Can you give me a specific date?

16   A.   No.

17   Q.   Could it have happened prior to October

18   of 2012?

19   A.   Yes.

20   Q.   Where in your parents' house was this

21   server?

22   A.   It was in the basement.

23   Q.   Okay. How would one access that

24   computer?

25   A.   You would physically access it by opening

1   up a cupboard and attaching a monitor to it. I

2   don't think it had a monitor attached normally,

3   because I didn't use it with a monitor. I would use

4   it remotely.

5   Q.   Was there a password to get onto this

6   server?

7   A.   Yes.

8   Q.   Why?

9   A.   Because there needed to be an access

10 control mechanism so that I would be the only one

11 able to access it.

12   Q.   Were there other people in the house that

13 had physical access to that server?

14   A.   Yes.

15   Q.   Who?

16   A.   Anyone who was there. My parents and

17 brother and sister.

18   Q.   You were concerned that your parents or

19 brother and sister would gain unauthorized access to

20 that server?

22   A.   No. The concern for the password was to

23 prevent people on the Internet from accessing it.

24   Q.   Let's just break this down.

25   As far as actually interacting with the

1   server, plugging it into a screen, going onto

2   that, I'm talking about something physical in the

3   house.

4   A.   Okay.

5   Q.   Was there a password for that?

6   A.   No.

7   Q.   So there was your mother, your father,

8   your brother, your sister who were in the home with

9   the unencrypted server which had a copy of your

10 Bitmessage software?

11   A.   Yes.

12   Q.   Are you aware of anybody else who was in

13 the house?

14   A.   They surely had guests.

15   Q.   Okay. Was that cupboard locked?

16   A.   No.

17   Q.   So it was available to anybody who was in

18 the house?

19   A.   Yes.

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18              When you released this software
19  publicly -- I believe you said it was November 28,
20  2012 -- did you feel that it was in proper shape
21  to be released publicly?
22       A.    I thought that it was as good as I could
23  get it.
24       Q.    What do you mean?
25       A.    I thought it was as good as I was capable
```

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 1    of getting it, given my skill set at the time.
 2         Q.    And the skill set of your professors?
 3         A.    Well, my professor didn't help me with
 4    it.
 5         Q.    So what did your professor do with
 6    regards to that communication in Reddit, which I
 7    believe was Exhibit Defendant's 2?
 8         A.    What did the professor -- say again.
 9         Q.    What was your professor's role?
10         A.    I must have asked him just basically this
11    question.  I don't remember emailing him, but it
12    appears that I asked him about relating messages
13    versus public keys.
14         Q.    Do you have any reason to believe that
15    you would ask just your professor just this one
16    question and didn't ask him anything else related to
17    Bitmessage?
18         A.    Do I have any reason to believe that?
19         Q.    Yeah.
20         A.    If he wasn't helpful, then I wouldn't
21    have followed up.
22         Q.    Okay.  But you could have asked other
23    questions previously where he would have been
24    helpful?
25         A.    Yes.
```

1   Q.   You acknowledge at least on one occasion

2   where you had a question, you reached out for help?

3   A.   Yes.

4   Q.   Now let me ask my question, though: When

5   you released the software publicly, November 28,

6   2012, it was the best you could do with any

7   collaboration that you received from anybody?

8   A.   Yes.

9   MR. FREEDMAN: Objection to the form.

10   Q.   And you were satisfied with its status?

11   MR. FREEDMAN: Objection to the form.

12   A.   Yes.

13   Q.   Was it broken when you released it?

14   A.   Yes. I think so.

15   Q.   What do you mean by that?

16   A.   Some people didn't like the fact that it

17   used RSA.

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1   Q.   Okay. Were there any other cryptography

2 techniques of the Bitmessage software?

3   A.   Surely a lot, yes.

4   Q.   Did you ever do an audit of the

5 Bitmessage software?

6   A.   Yeah. One organization or person sent me

7 a report.

8   Q.   Do you remember who that organization or

9 person was?

10   A.   No.

11   Q.   Do you know what date they sent you that

12 report?

13   A.   No.

14   Q.   All right?

15   A.   It wasn't immediate. It was after at

16 least some number of months, but I don't remember

17 when exactly.

18   Q.   Do you recall more than one audit being

19 sent to you?

20   A.   No.

21   Q.   Okay. Could it have happened?

22   A.   Yes. I mean, it's possible to do audits.

23 There are more in-depth versus not very in-depth. I

24 recall one formal report being sent. Beyond that, a

25 number of people looked at the code and the software

1   and gave their own informal audits.

2   Q.   Were any of those initiated by you?

3   A.   No.

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23   Q.   I could rephrase that.

24   You mentioned that if I were to put the

25   address into some software, it will tell me what

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1   version it is?

2   A.   Yes.

3   Q.   If I wanted to know at what point in time

4   was that system put in place, how would I find that

5   out?

6   A.   You would go to git or GitHub and look at

7   the source code that was released initially on

8   November 2012 to see if addresses at that time

9   supported versions.

10   Q.   Okay.

11   A.   If they did, you would know that they

12   supported versions from the very beginning.

13   Q.   Okay. The way to definitively know,

14   someone would look at git and look at the different

15   codes?

16   A.   Looking at the source code in GitHub

17   would show you whether addresses have versions very

18   easily.

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14   Q.   Have you ever been educated in the

15   forensic examination of documents?

16   A.   No.

17   Q.   Do you have any training in the forensic

18   examination of documents?

19   A.   No.

20   Q.   Do you have any experience in the

21   forensic examination of documents?

22   A.   No.

23   Q.   Do you consider yourself knowledgeable in

24   the forensic examination of documents?

25   A.   No.

1   Q.   Do you consider the forensic examination

2   of documents to be one of your skill sets?

3   A.   No.

4   Q.   I would like you to look at a document

5   that was previously marked Plaintiff's Exhibit 7.

6   A.   (Witness complies.)

7   Q.   Prior to today, have you seen this

8   document?

9   A.   No.

10   Q.   Do you have any idea how this document

11   came to be?

12   A.   No.

13   Q.   Have you done any sort of analysis on

14   this document?

15   A.   No.

16   Q.   Do you have any personal knowledge as to

17   this document?

18   A.   No.

19   Q.   Now, I would like you to look at a new

20   exhibit -- a previously marked exhibit, which is

21   Plaintiff's Number 8.

22   Prior to today, did you ever see this

23   document?

24   A.   No.

25   Q.   Do you know how this document came to

 1   exist?

 2   A.   No.

 3   Q.   Do you have any personal knowledge

 4   related to this document?

 5   A.   No.

 6   Q.   Have you ever done any analysis of this

 7   document?

 8   A.   No.

 9   Q.   Thank you. I'm going to move on to

10   Plaintiff's Number 9.

11   Prior to today, have you ever seen this

12   document?

13   A.   No.

14   Q.   Do you have any knowledge as to how this

15   document came to exist?

16   A.   No.

17   Q.   Do you have any personal knowledge as to

18   this document?

19   A.   No.

20   Q.   Have you done any sort of analysis on

21   this document?

22   A.   No.

23   Q.   Thank you.

24   Plaintiff's 10. Prior to today, have

25   you seen this document?

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 1   A.   No. I don't think so. No.

 2   Q.   What's your final answer? I want to have

 3   a clear record.

 4   A.   No.

 5   Q.   Do you know how this document came to

 6   exist?

 7   A.   No.

 8   Q.   Do you have any personal knowledge as to

 9   this document?

10   A.   No.

11   Q.   Have you done any sort of analysis with

12   this document?

13   A.   No.

14   Q.   I'm going to move on to Plaintiff's 11.

15   Prior to today, have you seen this document?

16   A.   No.

17   Q.   Do you know how this document came to

18   exist?

19   A.   No.

20   Q.   Do you have any personal knowledge

21   relating to this document?

22   A.   No.

23   Q.   Have you done any sort of analysis on

24   this document?

25   A.   No.

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7   Q.   How confident are you that you weren't

8   aware of Dr. Craig Wright prior to that discussion

9   on Reddit after he was released or, you know, outed

10 as Satoshi?

11   A.   I'm not particularly confident.

12   Q.   You could have communicated with him

13 beforehand?

14   A.   I'm relatively -- yes.

15   Q.   Could those communications have been

16 related to Bitmessage?

17   A.   Yes.

18   Q.   Could those communications have been

19 related to an audit of Bitmessage?

20   A.   Yes.

21   Q.   Could those communications have been

22 related to having him test a version of Bitmessage?

23   MR. FREEDMAN: Objection to the form.

24   A.   Not prior to release.

25   Q.   Okay. I'm sorry. That wasn't my

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 1   question.  My question was could you have

 2   communicated with him relating to the testing of

 3   Bitmessage?

 4           MR. FREEDMAN:  Objection to the form.

 5       A.    Yes.

 6           MR. KASS:  I'm going to introduce an

 7       exhibit which I believe will be Defendant's

 8       3.  It's really one exhibit.  I just didn't

 9       have a stapler.  I apologize for that.

10           (Whereupon, an email was marked as

11       Defendant's Exhibit 3 for identification, as

12       of this date.)

13       Q.    I need you to just take a minute to look

14   over the email.

15           MR. FREEDMAN:  What's the Bates number?

16           MR. KASS:  It's internal.  It actually

17       hasn't been produced.  It wasn't responsive

18       to requests.  Or we hadn't reviewed it yet.

19           I just want to clarify it for the

20       record.  We did find it in advance of this

21       depo.

22           MR. FREEDMAN:  Is this a real email

23       file or a PDF?  Can you give me any details

24       about this file?

25           MR. KASS:  I don't know.  I'm sorry.  I
```

1   don't have that handy.

2   A.   I've reviewed it.

3   Q.   What does this appear to be to you?

4   A.   This is an initial scan using an automate

5   tools and some communications from Alan Peterson to

6   me regarding prioritizing what to review and what to

7   -- like do a security assessment on -- regarding

8   Bitmessage.

9   Q.   Okay. And if you look under where it

10   says "hi, Jonathan," would you be able to read the

11   next line that starts with the word "I."

12   A.   It says: I have been assigned as project

13   manager for the static security software code review

14   of the Bitmessage software as agreed with Craig

15   Wright on 17th November 2014.

16   Q.   That's good. Thank you.

17   And is there somebody copied on this

18   email?

19   A.   Yes.

20   Q.   Who is that?

21   A.   Craig S. Wright.

22   Q.   Does this refresh your recollection

23   whether you had heard of Dr. Wright prior to his

24   being outed in 2016?

25   A.   No.

1   Q.   Do you believe this email is valid?

2   A.   Yes.

3   Q.   Do you have any reason to suspect it's a

4 forgery?

5   A.   No.

6   Q.   So do you believe you were sent this

7 email?

8   A.   Yes.

9   Q.   And do you remember the context of this

10 email?

11   A.   No.

12   Q.   Okay. Do you know if that security audit

13 was ever done?

14   A.   No.

15   Q.   All right. Do you know if prior to this

16 date you communicated with Dr. Wright?

17   A.   No.

18   Q.   Could it have happened?

19   A.   Yes.

20   Q.   And could that communication with Dr.

21 Wright have been related to Bitmessage?

22   A.   Yes.

23   Q.   And if that communication did happen,

24 would you have a copy of that email?

25   A.   No.

1   Q.   Why?

2   A.   Because I don't have email going back

3   that far.

4   Q.   Okay. Could that communication have

5   happened in 2012?

6   A.   Yes.

■   ██████████████

■   ████████████

■   ██████████████████

4   Q.   Mr. Warren, do you believe your devices

5   were ever hacked?

6   A.   No.

7   Q.   Do you have any reason to believe that

8   they were hacked?

9   A.   No.

10   Q.   Did you tell Mr. Kass that you cannot

11   definitively -- you cannot say definitively that you

12   were not hacked because anything is possible?

13   A.   Yes.

14   MR. KASS: Objection to the form.

15   Q.   Why did you tell Mr. Kass that you cannot

16   say definitively that you were not hacked?

17   A.   Because a hacker might have gotten in

18   without me being aware.

19   Q.   What is the probability that you were

20   hacked?

21   MR. KASS: Objection to the form.

22   A.   I have no --

23   MR. KASS: Absolutely no predicate.

24   Q.   What is the probability you were hacked,

25   someone took a copy of Bitmessage and distributed

1   that on the dark web?

2   MR. KASS: Objection to the form. Lack

3   of predicate.

10   MR. FREEDMAN: That's fine.

11   Q.   Would you say it is likely that you were

12   hacked?

13   MR. KASS: Objection to the form.

14   A.   No.

15   Q.   Would you say it's unlikely that you were

16   hacked?

17   MR. KASS: Objection to the form.

18   A.   Yes.

19   Q.   Why do you say it's unlikely that you

20   were hacked?

21   A.   Because if someone was to hack into my

22   computer, they could have done a lot more than steal

23   a copy of Bitmessage. For example, they could have

24   stolen cryptocurrency.

25   Q.   To your knowledge, has cryptocurrency

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1   ever been stolen from you?

2   A.   No.

3   Q.   Is it even less likely that you were

4   hacked, someone took a copy of Bitmessage, and

5   distributed it on the dark web?

6   MR. KASS: Objection to the form.

7   A.   Yes.

8   Q.   Is it even less likely that you were

9   hacked, someone took a copy of Bitmessage,

10   distributed that on the dark web, and you've never

11   heard about it during your active development of

12   Bitmessage over the past seven years?

13   MR. KASS: Objection to the form.

14   A.   Yes.

15   Q.   Have you ever heard of anyone obtaining a

16   copy of Bitmessage before you publicly released it

17   in November of 2012?

18   A.   No.

19   Q.   Have you ever seen any evidence that

20   Bitmessage was available to anyone prior to November

21   19, 2012?

22   A.   No.

23   Q.   Besides the messages I've shown you today

24   and messages you sent to yourself while testing,

25   have you ever seen a Bitmessage that was purportedly
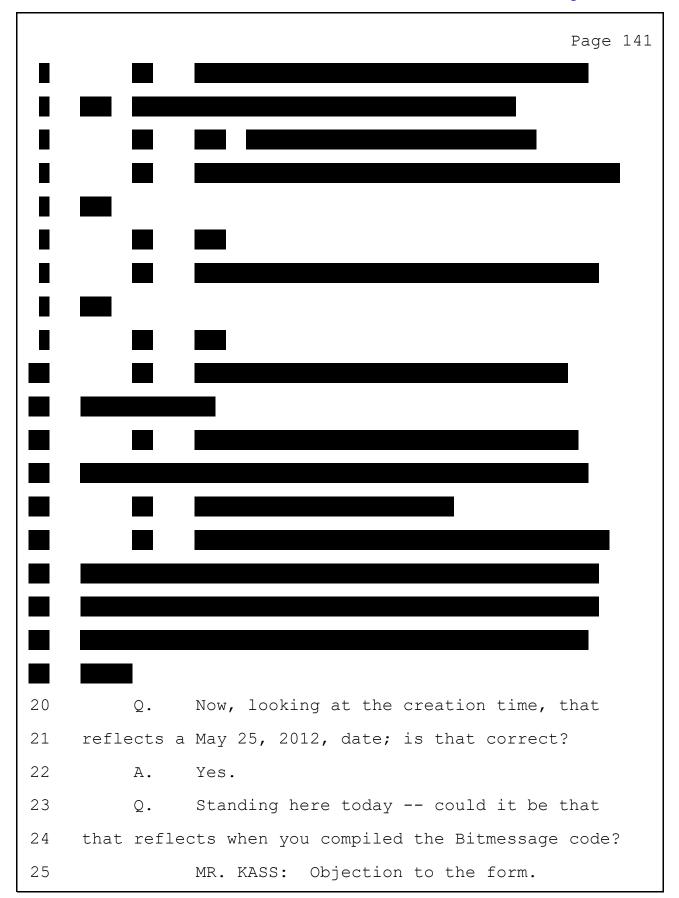
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```
 1    sent or receive prior to November 19, 2012?

 2         A.    No.

 3         Q.    You testified earlier that no one helped

 4    you test Bitmessage prior to its release; is that

 5    correct?

 6         A.    Yes.

 7         Q.    Then you said, while I very much believe

 8    I tested it on my own, it is a possibility that

 9    someone helped; is that correct?

10         A.    Yes.

11         Q.    Did you say it was a possibility because

12    anything is possible, no matter how remote?

13               MR. KASS:  Objection to the form.

14         A.    Yes.

15         Q.    What is the probability that someone

16    helped you test Bitmessage prior to its release?

17               MR. KASS:  Objection to the form.

18         A.    Very unlikely.

19         Q.    How unlikely?

20               MR. KASS:  Objection to the form.

21         A.    I don't know how to quantity unlikeliness

22    like that, but --

23         Q.    Highly --

24         A.    It's very hard for me to imagine my

25    memory is so bad in that regard that I would forget.
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1   Q.   Along those lines, I would like you to

2 take a look at Defendant's 2, which I think is the

3 Reddit post.

4   A.   Yes.

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████   ████   ████

9   Q.   If the professor didn't answer your

10 question, did he help you in developing Bitmessage?

11   A.   No. In fact, I remember him being

12 unhelpful.

13   Q.   Did anyone in this thread satisfactorily

14 answer your posted question?

15   A.   Yes.

16   Q.   Do you consider that answer to be a

17 equivalent of helping you develop Bitmessage?

18   A.   No.

19   Q.   Do you consider answers to any general

20 question you may have posed to be helping you with

21 the development of Bitmessage?

22   A.   No.

23   Q.   I would like you to look at Defendant's

24 1.

████   ████   ████████████████

20   Q.   Now, looking at the creation time, that

21   reflects a May 25, 2012, date; is that correct?

22   A.   Yes.

23   Q.   Standing here today -- could it be that

24   that reflects when you compiled the Bitmessage code?

25   MR. KASS: Objection to the form.

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```
1        A.    Yes.
2        Q.    Standing here today, do you recall
3   compiling the Bitmessage code in May of 2012?
4        A.    Not specifically in May of 2012.
5        Q.    If you had compiled the Bitmessage code
6   in May of 2012, would that code have been
7   operational?  In other words, does compiling code
8   mean that that code functions?
9        A.    No.
10       Q.    Would Bitmessage have functioned in May
11  of 2012?
12       A.    No.
```

███   ███   ████████████████████████████

███   ██

███   ██████████████████████████████████

███   ███████   ███████████████████

███   ███   ████████████████████████████

```
18       Q.    Is compiling software something you would
19  only do once you considered the code to be complete?
20            MR. KASS:  Objection to the form.
21       A.    No.
22       Q.    Is it something you would periodically do
23  as to where you were coding to where you could
24  detect errors early on?
```

███   ███████   ████████████

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1   A.   Yes, especially at the very beginning to

2   make sure you can compile it in the way you hope to

3   at the end.

4   Q.   Mr. Kass asked you a series of questions

5   about Plaintiff's Exhibit 8, 9, 10, and 11.

6   Do you recall that?

7   A.   I don't remember the exhibits exactly.

8   Those exhibits reflected the Bitmessage inboxes

9   updated November 6th, 7th, 8th, 11th, and 13th.

10   Okay.

11   Q.   Do you recall looking at those exhibits?

12   A.   Yes.

13   Q.   You answered to his questions about each

14   document that you had not seen any of these

15   documents prior to today's deposition; is that

16   correct?

17   A.   Yes.

18   Q.   Is it at all possible you did see a copy

19   of those documents prior to today?

20   MS. McGOVERN: As in anything is

21   possible in the realm of possibilities?

22   MR. FREEDMAN: Amanda.

23   A.   Yes.

24   Q.   You said that you could have communicated

25   with Craig Wright about Bitmessage; is that right?

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```
 1        A.    Yes.

 2        Q.    Why did you say that?

 3        A.    Because I don't remember the names of

 4   everyone that I communicated with, especially going

 5   back that far.

 6        Q.    But you have a distinct recollection of

 7   never sharing the Bitmessage code with anyone prior

 8   to its release on November 29, 2012?

 9              MR. KASS:  Objection to the form.

10        A.    Yes.

11        Q.    I would like to now draw your attention

12   to Defendant's Exhibit 3, which is the email.  Did

13   you ever respond to this email?

14        A.    I don't remember.

15        Q.    Do you recall reaching an agreement with

16   Craig Wright at any time prior to December 2, 2014?

17        A.    No.

18        Q.    Do you know what the email is referencing

19   when Mr. Peterson says as agreed with Craig Wright

20   on 17th November 2014?

21        A.    No.

22        Q.    Do you remember anything at all about

23   this email exchange?

24        A.    No.
```

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```
 1    spoke with --

 2               MR. KEEFE:   Strike the question.

 3         Q.    Earlier you were asked to name people

 4    that you had worked with.

 5         A.    Yes.

 6         Q.    Specifically, I think, in Bit coding

 7    groups?

 8         A.    Yes.

 9         Q.    You said you were blanking on names at

10    the moment but you would be willing to provide those

11    names to us later?

12         A.    Yes.  I've remembered two since then.

13         Q.    Can you provide them to us.

14         A.    Yes.  One of them is Jonathan Mohan,

15    M-O-H-A-N.  And the other is -- I'm sure I'll

16    remember it soon.

17         Q.    As you sit here now --

18         A.    I remembered.  It's Owen Gunden.  I don't

19    know how to spell it exactly, but it's Gundren or

20    Gundrin.

21         Q.    I'm going to hand you what have been

22    marked as Plaintiff's Exhibits 7 through 11.  They

23    all contain at least a page purporting to be a

24    Bitmessage sent or received prior to November 19,

25    2012.
```

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```
 1              Do you remember that?

 2              MR. KASS:  Objection to the form.  And

 3       asked and answered.

 4       A.     I remember seeing this exhibit earlier,

 5  yes.

 6       Q.     Do you remember testifying that

 7  Bitmessages -- that the printouts purported to be

 8  Bitmessages prior to November 19, 2012, were forged?

 9              MR. KASS:  Objection to the form.

10       A.     Yes.

11       Q.     Do you still believe they are forgeries?

12              MR. KASS:  Objection to the form.

13       A.     Yes.

14       Q.     Are you as certain as you could possibly

15  be that they are forgeries?

16              MR. KASS:  Objection to the form.

17       A.     Yes.

18       Q.     Has anything Mr. Kass asked you today

19  changed your opinion as to the nature of those

20  documents?

21              MR. KASS:  Objection to the form.

22       A.     Is he Mr. Kass?

23       Q.     Yes.

24       A.     No.

25       Q.     Has anything he's shown you today changed
```

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1   your opinion about those documents?

2   MR. KASS: Objection to the form.

3   A.   No.

█   ████████   ██████████

█   ██████   ██████████████████████

█   ██████

█   █████████████

█   ████████████████

9   Q.   Mr. Warren, you testified before that you

10   had a copy of a server in your parents' house that

11   was running the Bitmessage software.

12   A.   Yes.

13   Q.   Did you store copies of your

14   cryptocurrency assets on that server?

15   A.   No.

16   Q.   All right.

17   Now, my other question is -- not

18   related to that server, just in general -- how do

19   you store your -- the private keys to your

20   cryptocurrency assets?

21   A.   I'm hoping this can be covered as much as

22   possible by --

23   MR. FREEDMAN: I can imagine you're

24   compromising the security of --

25   Q.   I will rephrase it and see if we can work

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```
 1    around like that.
 2              The private keys to your cryptocurrency
 3    assets, are they encrypted?
 4         A.   Yes.
 5         Q.   Okay.  If somebody were to get into your
 6    computer somehow, would they be readily available to
 7    that person?
 8         A.   No.
 9         Q.   What type of encryption do you use?
10         A.   (No verbal response given.)
11         Q.   If you're not comfortable, I may be able
12    to rephrase it.  Are you comfortable answering that
13    question?
14         A.   No.
15         Q.   Would you rate that encryption as strong?
16         A.   When I have it in use, it is very, very,
17    very strong, yes.
18              MR. FREEDMAN:  Can you get a time frame
19         from him.
20         Q.   Since when have you started encrypting
21    your Bitcoin private keys?
22         A.   From the very beginning, from 2011.
23         Q.   Have you ever stopped encrypting your
24    Bitcoin private keys?
25         A.   Yes.
```

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```
 1        Q.     When have you stopped encrypting them?

 2        A.     Whenever I accessed the coins, I took

 3   them out of encryption.

 4        Q.     By accessed, do you mean transacted with?

 5        A.     Yes.  Any time I needed to send

 6   cryptocurrency to an exchange or somewhere else, I

 7   needed to take them out of my encrypted solution.

 8        Q.     And then after that, would you re-encrypt

 9   it?

10        A.     Yes.

11        Q.     Typically how long does that transaction

12   take?

13        A.     An hour or two.

14        Q.     Did you encrypt the files for Bitmessage

15   while you were working on them?

16        A.     No.
```